IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 8795 of 2005

Between:

M.Nagaraju, S/o. M.Peddaiah,
Door No.8/160, Gudikal Post, Yemmiganur Mandal,
Kurnool District.

..... PETITIONER

AND

1 The Regional Manager, APSRTC, Chittoor Region, Chittoor District.
2 The Depot Manager, APSRTC, Puttur Bus Depot, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or direction or writ more particular one in the nature of writ of mandamus declaring the action of the 2nd respondent in issuing the proceedings No.02/95(378)/2004-PTR dt.18-11-2004 in deleting the petitioner's name from the select list as illegal, unjust amounts to an act of victimization and unfair labour practice and also violative of Article 14,16 & 21 of Constitution of India and consequently set aside the proceedings No.02/95(378)/2004-PRT Dt.18-11-2004 issued by the 2nd respondent by reinstating the petitioner into service with all consequential benefits.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court made the following :

ORAL ORDER:

The petitioner worked as Driver in the respondents-Corporation. He was selected as Driver in the year 1999 through the Selection Committee.

The petitioner contends that on 18.11.2004, while he was performing his duties on route Krishnapuram to Nagiri on vehicle bearing No.AP10Z 5804, the checking officials found that he committed some cash and ticket irregularities. Subsequently, the 2nd respondent issued proceedings, dated 18.11.2004 against him, alleging that he committed some cash and ticket irregularities and thereby deleted his name from the selected list. Therefore, without giving any prior notice or conducting any enquiry and without giving the petitioner any opportunity, his name was deleted from the approved panel of selected candidates. Thereafter, he preferred an appeal to the appellate authority on 1.2.2004, but the respondents refused to receive the said appeal stating that there is no appeal against deletion of name from the list of selected candidates. He, further contends that this Court allowed W.P.No.4837 of 2003 in the matter of deletion of names of employees from the list of selected candidates without conducting any enquiry and the same was

confirmed by the Division Bench of this Court in W.A.No.1259 of 2003, dated 29.8.2003. Hence, he approached this Court through this writ petition seeking a Mandamus declaring that the action of the 2nd respondent in issuing proceedings dated 18.11.2004 deleting his name from the list of selected candidates as illegal, unjust and amounts to an act of victimization and also in violation of Articles 14, 16 and 21 of the Constitution of India and a consequential direction to the 2nd respondent to reinstate him into service.

The respondents could not place any material to show whether any prior notice was issued or any enquiry was conducted against the petitioner for the alleged irregularities. In the absence of issuance of prior notice or conducting any enquiry, the deletion of the petitioner's name from the list of selected candidates cannot be sustained.

In the light of the circumstances, the order of the 2nd respondent dated 18.11.2004 is set aside. The 2nd respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties according to rules.

The writ petition is accordingly allowed. In the circumstances of the case, there shall be no order as to costs. This order does not preclude the respondents from taking disciplinary action as per regulations.

(K.C. BHANU, J.)

20th April, 2005

bcj

To

1 The Regional Manager, APSRTC, Chittoor Region, Chittoor District.
2 The Depot Manager, APSRTC, Puttur Bus Depot, Chittoor District.

3 Two C.D. Copies.